

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 16544 of 2014 (P)

PETITIONER(S):

PREMALATHA S.
MEMBER NO.11681
MEMBER OF THE BOARD OF DIRECTORS OF THE KIZHATHADIYOOR
SERVICE CO-OPERATIVE BANK LIMITED NO.1995
(UNDER ORDER OF DISQUALIFICATION RESIDING AT
PALAMPURAYIDATHIL HOUSE,
PALA, KOTTAYAM DISTRICT).

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENT(S):

1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
KOTTAYAM-686 001.
2. THE KIZHATHADIYOOR SERVICE CO-OPERATIVE BANK LIMITED NO.1995
PALA, KOTTAYAM, REPRESENTED BY ITS SECRETARY-686 575.
3. THE MANAGING COMMITTEE OF THE KIZHATHADIYOOR SERVICE
CO-OPERATIVE BANK LIMITED NO.1995
PALA, KOTTAYAM, REPRESENTED BY ITS PRESIDENT-686575.
4. THOMAS GEORGE
KIZHAKKEDATH, PALA, KOTTAYAM DISTRICT-686575.

R2-R3 BY ADV. SRI.MATHEW JOHN (K)
R2-R3 BY ADV. SRI.DOMSON J.VATTAKUZH
R1 BY SPL.GOVERNMENT PLEADER SRI.SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.16544 OF 2014

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE MEDICAL CERTIFICATE OF THE SON OF THE
 PETITIONER.

EXT.P2 TRUE COPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT
 DATED 21/3/2014.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.16544 of 2014

Dated this the 6th day of January, 2015

J U D G M E N T

Ext.P2 order disqualifying the petitioner from being a member of the managing committee of the second respondent Bank is impugned. The petitioner has an alternate remedy by way of an appeal under Section 83 (1)(j) of the Kerala Co-operative Societies Act. The impact of the resolution of the managing committee allegedly restoring the membership of the petitioner can be considered in appeal. So also the case that there was no wilful absentation of the petitioner in the previous meetings of the managing committee. The invocation of the extra ordinary jurisdiction is not proper when there exists an effective statutory remedy.

2. The petitioner contends that he could not file the appeal in time in view of the pendency of the writ petition. Any appeal filed within one month from today shall be entertained and disposed of on merits by the Government.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.